

**DEPARTMENT OF CONSUMER AFFAIRS  
LEGISLATIVE DIGEST  
2003 Legislative Session**

**C. DCA ADMINISTRATION**

**(1) NEW PROGRAMS**

**AB 801  
Diaz**

**Dentists and Physicians and Surgeons**

**Enacted  
Chapter #510**

Enacts the Cultural and Linguistic Competency of Physicians Act of 2003 (Act). Under this new Act, educational classes that consist of cultural practices and beliefs that impact health care will be developed. This program, designed to increase cultural and linguistic competency, is voluntary for physicians and surgeons who elect to participate in the program. Also requires the Medical Board to convene a work group to evaluate the program and to determine the credit to be given to participants who successfully complete the programs. Additionally, extends eligibility to participate in the Licensed Physicians and Dentists from Mexico Pilot Program to graduates of a foreign dental school that have received provisional approval by the Dental Board by November 2003 (current eligibility for dentists from Mexico is limited to a single specific dental school in Mexico).

**AB 1388  
Kehoe**

**New Program: Board of Massage Therapy**

**Died in  
Assembly  
Business &  
Professions  
Committee**

Would have established the Board of Massage Therapy within the Department of Consumer Affairs to regulate massage therapists and massage practitioners.

**SB 907  
Burton**

**Bureau of Naturopathic Medicine**

**Enacted  
Chapter #485**

Creates the Bureau of Naturopathic Medicine within the Department of Consumer Affairs. Establishes a new licensure category of naturopathic doctor, defines a scope of practice, and establishes standards for licensure and regulation by the bureau. Requires the department to certify that sufficient funds are available in the Naturopathic Doctor's Fund prior to implementation.

**(2) GENERAL ADMINISTRATION**

**AB 17  
Kehoe**

**State Contracts: Acquisition of Goods or Services**

**Enacted  
Chapter # 752**

Prohibits a state agency from entering into a contract for the acquisition of goods or services in the amount of \$100,000 or more with a contractor who, in the provision of benefits, discriminates between employees with spouses and employees with domestic partners, or discriminates between the domestic partners and spouses of those employees, except under specified circumstances. Exempts certain contracts and specifies that a contractor is not deemed to discriminate between employees with spouses and employees with domestic partners in the provision of benefits if the contractor pays for the actual costs incurred in obtaining the benefit.

<b>AB 18 Leno</b>	<b><u>Public Employment Discrimination</u></b>	<b>Two Year Bill</b>
	Would remove disability from the bases of discrimination that constitutes a basis for disciplinary action, but would, instead, include gender, sexual orientation, physical disability, medical condition, and mental disability.	
<b>AB 25 Nunez</b>	<b><u>State Agencies: Identification Cards</u></b>	<b>Two Year Bill</b>
	Would require state agencies to accept as valid identification of a person, a foreign identification card issued by another nation, to its citizens or nationals, subject to specified exceptions, if specified requirements are met.	
<b>AB 76 Corbett</b>	<b><u>Employment Discrimination</u></b>	<b>Enacted Chapter # 671</b>
	Makes it unlawful for an employer to fail to take immediate and appropriate corrective action to prevent harassment of an employee by any person, once the employer knows or should have known of this conduct.	
<b>AB 79 Dutra</b>	<b><u>Written Reports: Preparation</u></b>	<b>Two Year Bill</b>
	Would, until January 1, 2008, suspend the submission of all reports required to be submitted by a public agency to the Governor, the Legislature, or any state legislative or executive body. Reports that are specifically mandated by a court order, federal law or regulation, or any report deemed necessary for the preparation or implementation of the Budget Act are exempt from this suspension.	
<b>AB 126 Campbell</b>	<b><u>Publicly Funded Advertisements</u></b>	<b>Two Year Bill</b>
	Would require every advertisement paid for with at least \$250 of public funds by a state agency, bureau, department, or office to include a statement that indicated the source of the public funds used to pay for the advertisement.	
<b>AB 159 Horton, Jerome</b>	<b><u>State Employees: Discrimination Action</u></b>	<b>Died in Senate</b>
	Would provide that a discrimination action filed under the California Fair Employment and Housing Act (FEHA) cannot be barred on grounds that the aggrieved person failed to exhaust his or her state civil service administrative remedies. Thereby abrogating existing case law <u>Schifando v. City of Los Angeles</u> , which provides that a city employee must exhaust not only FEHA administrative remedies but also the internal civil service administrative remedies provided by the city charter prior to bringing a FEHA discrimination action.	
<b>AB 196 Leno</b>	<b><u>Discrimination</u></b>	<b>Enacted Chapter #164</b>
	Expands the prohibition on sexual discrimination and harassment by including gender in the definition of sex. Permits employers to require employees to comply with reasonable workplace appearance, grooming, and dress standards consistent with state and federal law, provided that employees are allowed to appear or dress consistently with their gender identity.	
<b>AB 268 Mullin</b>	<b><u>State Employment: Supervisorial Training</u></b>	<b>Enacted Chapter #165</b>
	Requires that the training provided to newly appointed state supervisors include training on employment law relating to persons with disabilities.	

<b>AB 274 Koretz</b>	<b><u>Employment.</u></b>	<b>Vetoed</b>
	Would have created a rebuttable presumption that an adverse employment action taken within 60 days after an employee exercised his or her employment rights was retaliatory, unless there was clear and convincing evidence that the employee made up the claim in order to prevent the employer from taking adverse employment action. This presumption would not have applied to the criminal penalty for retaliation and would not have applied to a discharge upon the completion of a limited-term employment.	
<b>AB 285 McLeod, Negrete</b>	<b><u>Public Retirement Systems: Reciprocity</u></b>	<b>Died in Assembly Appropriation s Committee</b>
	Would have eliminated the requirement in the Public Employees Retirement Law governing CalPERS and in the County Employees Retirement Law of 1937 that a public employee have a break in service of no more than 6 months when moving between the two systems in order to qualify for reciprocity	
<b>AB 292 Yee</b>	<b><u>Interpreters: Prohibition on Use of Children</u></b>	<b>Two Year Bill</b>
	Would prevent state-funded agencies or programs from using children as interpreters or translators. Further, violations of the law may result in the loss of state funding or cancellation of state contracts until the agency has adopted a formal policy statement or terminated the use of children as interpreters or translators.	
<b>AB 318 Haynes</b>	<b><u>State Agency Fiscal Reports</u></b>	<b>Two Year Bill</b>
	Would require each state agency, board, commission, department, or office to prepare and provide a report to the Legislature on the financial activities of the agency, board, commission, department, or office for the 1998-99, 1999-2000, 2000-01, 2001-02, and 2002-03 fiscal years no later than January 15, 2004, and for each subsequent fiscal year by January 15 of the following year in accordance with specified requirements.	
<b>AB 359 Koretz</b>	<b><u>Public Safety Officers: Off-Duty Employment</u></b>	<b>Enacted Chapter #104</b>
	Exempts other employment by a peace officer while off duty from the scope of prohibited payments to public employees/exceptions. Provides that a peace officer shall not be prohibited from engaging in other employment while off duty unless pursuant to rules and policies adopted by the employing agency and that if an employer withholds consent to allow a peace officer to engage in or be employed in other employment while off duty, the employer must provide the reasons for denial in writing to the peace officer.	
<b>AB 375 Bermudez</b>	<b><u>State Employees: Memoranda of Understanding</u></b>	<b>Enacted Chapter #615</b>
	Approves provisions that require the expenditure of funds of memoranda of understanding entered into between the state employer and State Bargaining Units 1, 4, 10, 11, 14, 15, 16, 17, 19, 20, and 21, and provides that the provisions of any memorandum of understanding that require the expenditure of funds shall become effective even if the provisions of the memorandum of understanding are approved by the Legislature in legislation other than the annual Budget Act.	

<b>AB 385</b> <b>Nakano</b>	<b><u>State Employees: Salary or Wages: Itemized Statement</u></b>  Requires each state agency to furnish each employee, at his or her request, an itemized statement of payroll deductions in writing or electronically. This bill contains other related provisions.	<b>Enacted</b> <b>Chapter #433</b>
<b>AB 577</b> <b>Horton,</b> <b>Jerome</b>	<b><u>State Employees: Dismissed Employees</u></b>  Revises certain procedures regarding the re-hire of laid off employees and the process for allowing dismissed employees to take civil service exams.	<b>Enacted</b> <b>Chapter #836</b>
<b>AB 669</b> <b>Cohn</b>	<b><u>Public Contracts: Disabled Veteran Business Enterprises</u></b>  Requires small businesses and disabled veteran business enterprises, as defined, to perform commercially useful functions, as defined, in relation to any contract those businesses are awarded under those provisions. Also revises the definition of disabled veteran to require that the veteran have at least a 10% service-connected disability and be domiciled in California.	<b>Enacted</b> <b>Chapter #623</b>
<b>AB 689</b> <b>Horton,</b> <b>Shirley</b>	<b><u>State Regulatory Agencies: Audits</u></b>  Would have required the State Auditor, by January 1, 2010, to conduct a performance audit of each state regulatory agency subject to specified exceptions. Would have required the State Auditor to hold a public hearing after each audit report has been completed, for purposes of reviewing the report, and would have required a copy of the report to be made available to each member of the Legislature and the Governor.	<b>Died in</b> <b>Assembly</b> <b>Business &amp;</b> <b>Professions</b> <b>Committee</b>
<b>AB 697</b> <b>Maldonado</b>	<b><u>State Employees</u></b>  Would have revised the definition of "meet and confer" as it is used in the Bill of Rights for State Excluded Employees (BRSEE) to require that the state fully consider the presentations made by organizations representing excluded employees prior to reaching a decision, and made other minor technical changes in BRSEE statutes.	<b>Vetoed</b>
<b>AB 719</b> <b>McLeod,</b> <b>Negrete</b>	<b><u>Public Employees' Retirement: Benefit Enhancement</u></b>  Allows various California Public Employees' Retirement System (CalPERS) members, to be eligible to purchase up to five years of non-qualified service in CalPERS.	<b>Enacted</b> <b>Chapter #838</b>
<b>AB 753</b> <b>Leslie</b>	<b><u>State Agencies: Alternative Work Schedules: Study</u></b>  Would require each state agency employing more than 15 full-time employees in the Sacramento metropolitan area to prepare and submit a written report to the Department of Transportation and the Legislature on or before June 30, 2004, that included specified information, including potential courses of action state agencies could take and feasibility of options that include, but are not limited to, alternative work schedules and telecommuting. These provisions would be known as the Traffic and Pollution Reduction Act of 2003.	<b>Two Year Bill</b>

<b>AB 795 Nunez</b>	<b><u>Personal Services Contracts</u></b>	<b>Two Year Bill</b>
	Would revise and recast provisions to require a state agency that proposes to execute any type of the specified personal service contracts, except urgent personal services contracts to notify the State Personnel Board (Board) of its intention to do so, and to provide to the board a written justification for the contract. Would require the Board to transmit copies of the notice and written justification to organizations that represent state employees that perform the types of work described in the contract, and authorize those organizations to request that the Board determine whether the contract was a permissible personal services contract. Would prohibit any expenditure of money or any work from being performed under those types of contracts until the Board had approved or disapproved the contract.	
<b>AB 827 Committee on Business and Professions</b>	<b><u>Board Membership Qualifications: Public Members</u></b>	<b>Enacted Chapter #563</b>
	Deletes the requirement that boards at the Department of Consumer Affairs must have a "public" member who has expertise in the regulatory activities of the boards and prohibits a public member from providing either presently or in the five years prior to his or her appointment representation to the industry or profession regulated by the board.	
<b>AB 834 La Suer</b>	<b><u>Peace Officers Records</u></b>	<b>Two Year Bill</b>
	Would require law enforcement agencies to destroy after five years all complaints or any portion of complaints filed by members of the public against a peace officer or custodial officer that is determined to be frivolous, unfounded or exonerated. Also would require that those complaints and any reports or findings relating to them be retained for a period of no more than five years, rather than a minimum of five years.	
<b>AB 862 Firebaugh</b>	<b><u>Personal Services Contracts: Legal Services</u></b>	<b>Enacted Chapter #883</b>
	Requires a state agency that seeks the consent of the Attorney General to employ outside counsel to provide the representative of State Employees Bargaining Unit 2 with notice of the request	
<b>AB 1081 Maddox</b>	<b><u>Peace Officers</u></b>	<b>Failed in Senate Public Safety Committee</b>
	Would have provided that a peace officer may have access to complaints against him or her that have been determined by the employing agency to be unfounded; and require that the individual whose records are being sought be notified in writing and furnished with a copy of the notice given to the agency holding the personnel records sought.	
<b>AB 1325 Houston</b>	<b><u>Small Business</u></b>	<b>Died in Assembly Committee on Jobs, Economic Development and the Economy</b>
	Would have required each state agency that significantly regulates small business or that significantly impacts small business to designate a small business liaison and to post on its Web site the name and telephone number of its small business liaison and the small business advocate.	

<b>AB 1342 Jackson</b>	<b><u>Discrimination: State Policies and Programs</u></b>	<b>Two Year Bill</b>
	Would declare the intent of the Legislature to enact legislation to adopt the Convention on the Elimination of All Forms of Discrimination Against Women to ensure that state departments and agencies adhered to its principles in the implementation of state policies and programs.	
<b>AB 1463 McLeod, Negrete</b>	<b><u>State Employees: Leave</u></b>	<b>Two Year Bill</b>
	Would increase the amount of annual leave or vacation credit awarded per month to excluded employees.	
<b>AB 1756 Assembly Budget Committee</b>	<b><u>State Government</u></b>	<b>Enacted Chapter #228</b>
	Authorizes the California Board of Accountancy to use contract examination services (see SB 1080 on Page # 68).	
<b>ABX1 11 Oropeza</b>	<b><u>Reductions in the Budget Act of 2002 Relating to State Government</u></b>	<b>Enacted Chapter #1x 2</b>
	Provides that moneys in the State Treasury may be loaned from one state fund or account to any other state fund or account to address the 2001-02 and 2003-04 fiscal year budget shortfalls.	
<b>SB 9 McClintock</b>	<b><u>Government Reorganization: Realignment or Closure</u></b>	<b>2 Year Bill</b>
	Would establish an eight-member Bureaucracy Realignment and Closure Commission and a process for realigning or closing duplicative or obsolete state government entities. The Commission would report its findings to the Governor and the Legislature no later than July 15, 2005 and the Governor would have to act on those recommendations by August 15, 2005. Additionally, would appropriate \$250,000 from the General Fund for the Commission's first year of operation, capped at \$500,000. The Commission would sunset as of July 1, 2006, and the provisions repealed as of January 1, 2007.	
<b>SB 25 Bowen</b>	<b><u>Identity Theft: SSN Use by State Agencies &amp; Security Alert Verification</u></b>	<b>Enacted Chapter #907</b>
	Enhances identity theft protections by: 1) requiring state and local agencies, as of January 2004, to comply with the restrictions on the use and public display of SSNs that currently apply to the private sector, with extended implementation dates for specified state agencies; and, 2) requiring creditors to take reasonable steps to verify a consumer's identity before extending credit when the consumer's credit report contains a security alert, and further requires them to contact the consumer at the telephone number s/he specified in the security alert.	
<b>SB 110 Margett</b>	<b><u>Public Contracts: Contract Specifications</u></b>	<b>Enacted Chapter #233</b>
	Revises the conditions under which public agencies can require goods or services from one specific source when putting contracts out to bid.	
<b>SB 111 Knight</b>	<b><u>State Reporting Requirements</u></b>	<b>Died in Senate</b>
	Would have deleted various state agency reporting requirements to the Legislature and Governor on various topics throughout the year.	

<b>SB 155 Scott</b>	<b><u>Public Officers: Conflict of Interest</u></b>	<b>Enacted Chapter #701</b>
	Current law prevents public officials and employees from being financially interested in any contract made by them in their official capacity or by any body or board of which they are members. While current law contains a remote interest exception for current employees there is no provision allowing a former employee or agent to serve on such policy making bodies or boards.	
	<u>This statute</u> creates the fourteenth remote interest exemption to the conflict of interest rule by specifying that a person of a contracting party that is a corporation for profit, if the former employee is owner of less than three percent of the corporation's shares, where ownership of the shares was derived from the former employment, is except from the conflict of interest rules.	
<b>SB 439 Committee on Public Employment and Retirement</b>	<b><u>State Employees: Memoranda of Understanding</u></b>	<b>Enacted Chapter #617</b>
	Provides for the ratification of a MOU between the state employer and State Bargaining Units 5 and 8.	
<b>SB 462 Dunn</b>	<b><u>Peace Officers: Personnel Records</u></b>	<b>Two Year Bill</b>
	Would revise the definition of "general personnel file" to include, among other things, administrative investigations, including any compelled statement by the employee, as specified, and performance evaluations for the purpose of specifying what complaints, reports, and other pertinent materials may be maintained in an officer's general personnel file.	
<b>SB 499 Margett</b>	<b><u>Public Contracts: Lowest Responsible Bidder</u></b>	<b>Two Year Bill</b>
	Would provide that the term "lowest responsible bidder," "lowest responsive, responsible bidder," "lowest regular responsible bidder," "lowest and best responsible bidder," "lowest qualified bidder," or "lowest and best bidder," means the responsible bidder who submitted the lowest responsive bid.	
<b>SB 640 Burton</b>	<b><u>Public Contracts: Expatriate Corporations</u></b>	<b>Enacted Chapter #657</b>
	Establishes the California Taxpayer and Shareholder Act of 2003, which, pursuant to legislative findings and declarations, prohibits a state agency from entering into any agreement or contract with a publicly held expatriate corporation, as defined, or its subsidiary, unless the corporation provides specified shareholder rights and other legal and financial arrangements or the contract serves a compelling public interest.	
<b>SB 776 Johnson</b>	<b><u>State Boards and Commissions: Pay Rates</u></b>	<b>Died in Senate</b>
	Would have declared the intent of the Legislature to address the issue of pay rates for individuals appointed to state boards and commissions.	
<b>SB 777 Escutia</b>	<b><u>Whistleblowers</u></b>	<b>Enacted Chapter #484</b>
	Provides additional whistleblower" protections for refusal to perform unlawful conduct and for an employee's acts on a previous job. Requires the State Attorney General to maintain a whistleblower hotline for corporate crime and regulatory misconduct and to refer calls to the appropriate investigative or regulatory agency.	

<b>SB 839 Dunn</b>	<b><u>Public Contracts: Consulting Services</u></b>	<b>Two Year Bill</b>
	Would prohibit a person, firm, or subsidiary thereof that had been awarded a consulting services contract from having a financial interest in the provision of services, the procurement of goods or supplies, or any other related action that was required, suggested, or otherwise deemed appropriate in the end product of the consulting services contract. Also would impose similar provisions applicable to any person, firm, or subsidiary to whom a city, county, district, or other local government entity had awarded a consulting services contract.	
<b>SB 896 Florez</b>	<b><u>State Contracts: California Multiple Award Schedules</u></b>	<b>Two Year Bill</b>
	Would prohibit the Department of General Services or any other state agency from entering into contracts, using a multiple award, unless the department or a state agency obtained three additional price quotations, including at least one price quotation from a certified business contractor, and the legal counsel of the department or the agency reviews all sole-source contracts and emergency purchases to ensure that they complied with the applicable statutory requirements.	
<b>SB 974 Alarcon</b>	<b><u>Public Contracts: Preferences: Socially Responsible Business</u></b>	<b>Two Year Bill</b>
	Would require the state to award at least a 5% preference, and authorize a local agency to award a preference of at least 5%, but not more than 10%, to a California-based socially responsible business that certified under penalty of perjury that it met at least 10 of 13 criteria.	
<b>SCA 1 Burton</b>	<b><u>Access to Government Information</u></b>	<b>Two Year Bill</b>
	Would propose to the people of the State of California that Article 1, Section 3 of the Constitution be amended to make access to records and public meetings of government officials and agencies a constitutional right of each citizen, as specified. If passed by a 2/3 majority vote in both houses, SCA 1 would be placed on a ballot for the voters' to decide if the California constitution should be amended to include these provisions.	